

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:07CV346

DANIEL H. BRACKETT,

Plaintiff,

Vs.

UNITED STATES OF AMERICA,

Defendant.

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ORDER

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed November 19, 2007.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On November 19, 2007, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Defendant's

motion to substitute the United States as party defendant and dismiss the named Defendants Connie Walker and the United States Postal Service. The Plaintiff, who is proceeding *pro se*, and the United States Attorney were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on December 6, 2007. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's motion be allowed.

IT IS, THEREFORE, ORDERED that Defendant's motion to substitute the United States as party defendant and dismiss the named Defendants Connie Walker and the United States Postal Service is **ALLOWED**, that the action is hereby **DISMISSED** as to Defendant Connie Walker, and that the United States of America is hereby substituted as

party Defendant for the named Defendant United States Postal Service.

The case caption is amended with entry of this Order.

Signed: December 10, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

